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09/770,505	01/29/2001	Yasuhisa Fujiwara	107847	7377

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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER
JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *February 17, 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This is a Final Office Action is in response to Applicant's Amendment and Request for
Reconsideration filed on February 17, 2005. Applicant's newly adds claims 39 and 40 are
presented for examination. Claims 1-38 are presented for further examination.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et
al (hereinafter, "Rosenberg", U.S. Pat. No. 6,363,557) in view of Spiegel et al (hereinafter,
"Spiegel", U.S. Pat. No. 6,466,918).

As per claim **1**, Rosenberg discloses a system, which uses a computer network connected by
communication lines to distribute merchandise data contents <u>in a form of assigned delivery data
contents</u> comprising:

- a first computer which stores merchandise data contents in a memory thereof based on
  an order request to distribute said merchandise data contents placed for a specific
  requester at a second computer (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines
  16-37);

wherein said first computer comprises:

- an input/output interface that receives the order request from said second computer for said merchandise data contents (col. 3, lines 48-67 and col. 4, lines 1-6).

However, Rosenberg does not explicitly disclose:

- a controller that creates relevant data contents <u>based on the order request</u> received from the second computer, assigns requester-specific data contents to said relevant data contents, and creates <u>the</u> assigned delivery data contents <u>to be electronically transmitted from the first computer.</u>

Spiegel discloses a system and method for exposing popular nodes within a browse tree comprising:

- a controller that creates relevant data contents <u>based on the order request</u> received from the second computer, assigns requester-specific data contents to said relevant data contents, and creates <u>the</u> assigned delivery data contents <u>to be electronically transmitted from the first computer</u> (col. 6, lines 61-67, col. 7, lines 1-5, col. 9, lines 64-67 and col. 10, lines 1-16).

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art to modify Rosenberg to include a server (first computer) that has a controller to provide information relating to a user product order/delivery request in order to store and retrieve information regarding the user purchase order in a timely and efficient manner.

As per claim **2**, Rosenberg discloses:

- wherein said relevant data contents are duplicated data contents of the merchandise data contents (col. 7, lines 16-37 and col. 11, lines 1-25); and

- said assigned delivery data contents are data to be distributed to another computer in
  the computer network (col. 11, lines 1-25 and col. 13, lines 3-10).

As per claim **3**, Rosenberg discloses:

- wherein said controller controls transmission of said delivery data contents through said
  input/output interface to said another computer (col. 3, lines 26-47, col. 11, line 67 and
  col. 12, lines 1-8).

As per claim **4**, Rosenberg discloses:

- wherein said first computer further has a memory and said delivery data contents are
  stored in a memory space within said memory assigned to the specific requester (col. 3,
  lines 26-47, col. 11, line 67 and col. 12, lines 1-8); and

- said controller reads out said delivery data contents from the memory space assigned for
  said requester to transmit said delivery data contents through the input/output interface
  to said another computer according to a delivery request from said second computer
  (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8).

As per claim **5**, Rosenberg discloses wherein said first computer further comprises:

- means for judging matches between specific data contained within the delivery request .
  and said requester-specific data assigned for said relevant data contents prior to
  transmission of said delivery data contents to said another computer (col. 11, line 67,
  col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **6**, Rosenberg discloses wherein said first computer further comprises:

- means to judge a length of time that has elapsed from the time said delivery data content
  was created and said first computer transmits said delivery data contents to said another

computer according to said elapsed time (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **7**, Rosenberg discloses wherein said first computer comprises:

- means for deleting said delivery data contents transmitted to said another computer from said memory space (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **8**, Rosenberg discloses:

- wherein said means for deleting said delivery data contents from said memory space operates when a length of time that has elapsed from a time said delivery data content was created exceeds a predetermined length (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **9**, Rosenberg discloses wherein said first computer comprises:

- means for storing said relevant data contents in a memory space assigned to a requester (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37); and

- means for recording said merchandise data contents, wherein said first computer, based on relevant data contents stored in a memory space assigned to said requester according to a delivery request from said second computer, reads out said merchandise data contents to the relevant data contents and transmits said merchandise data to another computer (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim **10**, Rosenberg discloses:

- wherein said another computer is the second computer (col. 3, lines 26-47).

As per claim **11**, Rosenberg discloses wherein said first computer comprises:

- means for storing in a memory space an identifier of relevant data contents (col. 2, lines 45-67, col. 4, lines 32-54 and col. 7, lines 16-37); and

- means for recording said merchandise data contents, wherein said first computer, according to a delivery request, reads out said merchandise data contents based on the stored identifier and transmits out said merchandise data contents to said another computer (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim **12**, Rosenberg discloses:

- wherein said merchandise data content is information concerning books (col. 3, lines 64-67 and col. 4, lines 1-6).

As per claim **13**, Rosenberg discloses wherein the second computer in the communication network includes:

- an input means for inputting the order request, an input/output interface to transmit the order request, and a display (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim **14**, Rosenberg discloses wherein the first computer includes:

- means for transmitting a delivery data contents list to the second computer when a plurality of order requests for a specific requester are received, the display of the second computer displays the data content list, and the input means of the second computer allows selection of a desired one of the plurality of order requests to be delivered (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim **15**, Rosenberg discloses:

- wherein the another computer is the second computer (col. 3, lines 26-47).

As per claim **16**, Rosenberg discloses a delivery device, which transmits merchandise data

contents <u>in a form of assigned data contents</u> to a requester according to an order request from a

terminal device connected to a communication network, comprising:

- a first memory space that stores said merchandise data contents (col. 2, lines 45-67, col.

  4, lines 32-54 and col. 7, lines 16-37); and

- a second memory space that stores said assigned data contents (col. 4, lines 32-54 and

  col. 7, lines 16-37).

However, Rosenberg does not explicitly disclose:

- means for creating relevant data contents related to said merchandise data contents

  according to an order request from said terminal device; and

- means for assigning requester-specific data contents to said relevant data contents and

  for creating <u>the</u> assigned data contents <u>to be electronically transmitted from the delivery</u>

  <u>device</u>.

Spiegel discloses a system and method for exposing popular nodes within a browse tree

comprising:

- means for creating relevant data contents related to said merchandise data contents

  according to an order request from said terminal device (col. 9, lines 64-67 and col. 10,

  lines 1-16); and

- means for assigning requester-specific data contents to said relevant data contents and

  for creating <u>the</u> assigned data contents <u>to be electronically transmitted from the delivery</u>

  <u>device</u> (col. 6, lines 61-67, col. 7, lines 1-5, col. 9, lines 64-67 and col. 10, lines 1-16).

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art to modify Rosenberg to include a server (first computer) that has a controller to provide information relating to a user product order/delivery request in order to store and retrieve information regarding the user purchase order in a timely and efficient manner.

As per claim **17**, Rosenberg discloses wherein:

- said relevant data content is duplicated data contents of said merchandise data contents (col. 4, lines 32-54, col. 7, lines 16-37 and col. 11, lines 1-25); and

- said assigned data contents is data contents to be distributed to a second computer (col. 4, lines 32-54, col. 7, lines 16-37, col. 11, line 67 and col. 12, lines 1-8).

As per claim **18**, Rosenberg further discloses:

- means for reading out said delivery data contents from said second memory space and for transmitting said delivery data contents to a terminal within the communication network (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8).

As per claim **19**, Rosenberg discloses:

- wherein a separate second memory space is prepared for each said requester (col. 3, lines 26-64 and col. 4, lines 32-54).

As per claim **20**, Rosenberg further discloses:

- means for transmitting a data contents list to the terminal device when a plurality of said delivery data contents exists for the requester (col. 3, lines 48-63, col. 6, lines 40-67, col. 7, lines 1-5 and lines 16-37).

As per claim **21**, Rosenberg further discloses:

- means for judging matches <u>between</u> content of a deliver, request from said terminal

  device and said requester-specific data contents when said delivery data content is

  transmitted by said means for transmitting (col. 11, line 67, col. 12, lines 1-8 and col.

  13, lines 3-10).

As per claim **22**, Rosenberg discloses:

- wherein said means for transmitting <u>transmit</u> said delivery data contents only when a

  length of time that has elapsed since the order request is <u>within a</u> predetermined period

  (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **23**, Rosenberg further discloses:

- means for deleting said delivery data content from said second memory space when said

  means for transmitting transmits said delivery data contents (col. 11, line 67, col. 12,

  lines 1-8 and col. 13, lines 3-10).

As per claim **24**, Rosenberg further discloses:

- means for storing in the second memory space an identifier of relevant data contents

  (col. 4, lines 32-54 and col. 7, lines 16-37); and

- means for recording said merchandise data contents in the first memory space, wherein

  said delivery device reads out said merchandise data content from the first memory

  space based on the stored identifier and transmit said merchandise data contents to a

  terminal in the communication network (col. 4, lines 32-54 and col. 7, lines 16-37).

As per claim **25**, Rosenberg discloses a method to distribute merchandise data contents <u>in a</u>

<u>form of delivery contents</u> using a computer network connected by communication lines,

comprising the steps of:

- receiving an order request at a first computer in the network from a specific requester requesting merchandise data contents (col. 6, lines 40-67 and col. 7, lines 1-37);

- duplicating requested merchandise data contents (col. 11, lines 1-25);

- and

- holding the delivery data contents until a subsequent delivery request for delivery is received (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

However, Rosenberg does not explicitly disclose:

- preparing the delivery data contents for the specific requester by adding requester specific data to the duplicated data contents, the delivery data contents to be electronically transmitted from the first computer.

Spiegel discloses a system and method for exposing popular nodes within a browse tree comprising:

- preparing delivery data contents for the specific requester by adding requester specific data to the duplicated data contents (col. 9, lines 64-67 and col. 10, lines 1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art to modify Rosenberg to include a server (first computer) to send information relating to a user product order/delivery request in order to deliver information regarding the user purchase order in a timely and efficient manner.

As per claim **26**, Rosenberg further discloses:

- a step of distributing said delivery data contents to another computer according to the delivery request, which is independent from said order request (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **27**, Rosenberg further disclose steps of:

- storing the prepared delivery data contents in a memory space assigned to said specific requester (col. 4, lines 32-54 and col. 7, lines 16-37);

- reading out said delivery data contents from the assigned memory space according to said delivery request (col. 3, lines 26-47, col. 11, line 67 and col. 12, lines 1-8); and

- distributing said delivery data contents to the specific requester (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **28**, Rosenberg discloses:

- wherein said delivery data content is read out from said memory space and distributed when requester-specific data included in said delivery request and said requester-specific data within said delivery data contents match (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **29**, Rosenberg discloses:

- wherein said delivery data content is read out from said memory space and distributed if a length of time that has elapsed between said order request and said delivery request is within a predetermined period (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **30**, Rosenberg further discloses:

- a step of outputting a delivery data list stored in said memory space to a requester (col. 11, lines 1-25, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **31**, Rosenberg discloses:

- wherein said requester-specific data held within said delivery data contents includes data prohibiting duplication of said merchandise data contents (col. 11, lines 1-25).

As per claim **32**, Rosenberg discloses:

- wherein said step of preparing said delivery data contents is executed after settlement of payment by said requester for said merchandize data contents (col. 7, lines 16-37, col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **33**, Rosenberg discloses:

- wherein the requester-specific data includes a password (col. 12, lines 19-45).

As per claim **34**, Rosenberg further discloses:

- a step of storing said duplicated merchandise data contents in a memory space assigned for merchandise data contents (col. 4, lines 33-54 and col. 11, lines 1-25).

As per claim **35**, Rosenberg discloses:

- wherein when a plurality of order requests for a specific requester are received, the method further comprises a step of transmitting a delivery data contents list to the second computer, and upon receipt of a selection by the second computer, the selected order request is delivered (col. 11, line 67, col. 12, lines 1-8 and col. 13, lines 3-10).

As per claim **36**, Rosenberg discloses the invention the substantially as claims discussed above.

However, Rosenberg does not explicitly disclose:

- wherein the input/output interface receives the delivery request at a time that is later than a time at which the input/output interface receives the order request, the delivery request being independent of the order request.

Spiegel discloses a system and method for exposing popular nodes within a browse tree comprising:

- wherein the input/output interface receives the delivery request at a time that is later than a time at which the input/output interface receives the order request, the delivery request being independent of the order request (col. 9, lines 64-67 and col. 10, lines 1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art to modify Rosenberg to include a server (first computer) to send information relating to a user product order/delivery request in order to deliver information regarding the user purchase order in a timely and efficient manner.

As per claim **37**, Rosenberg discloses the invention the substantially as claims discussed above.

However, Rosenberg does not explicitly disclose:

- means for receiving the order request and for subsequently receiving the delivery request, the delivery request being independent of the order request.

Spiegel discloses a system and method for exposing popular nodes within a browse tree comprising:

- means for receiving the order request and for subsequently receiving the delivery request, the delivery request being independent of the order request (col. 9, lines 64-67 and col. 10, lines 1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art to modify Rosenberg to include a server (first computer) to send information relating to a user

product order/delivery request in order to deliver information regarding the user purchase order

in a timely and efficient manner.

As per claim **38**, Rosenberg discloses the invention the substantially as claims discussed

above.

However, Rosenberg does not explicitly disclose:

- receiving the delivery request after preparing the delivery data contents.

Spiegel discloses a system and method for exposing popular nodes within a browse tree

comprising:

- receiving the delivery request after preparing the delivery data contents (col. 9, lines

    64-67 and col. 10, lines 1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art

to modify Rosenberg to include a server (first computer) to send information relating to a user

product order/delivery request in order to deliver information regarding the user purchase order

in a timely and efficient manner.

As per claim **39**, Rosenberg discloses the invention the substantially as claims discussed

above:

However, Rosenberg does not explicitly disclose:

- wherein the assigned delivery data contents include the requested merchandise data

    contents and the requester-specific data contents.

Spiegel discloses a system and method for exposing popular nodes within a browse tree

comprising:

- wherein the assigned delivery data contents include the requested merchandise data

  contents and the requester-specific data contents (col. 9, lines 64-67 and col. 10, lines

  1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art

to modify Rosenberg to include a server (first computer) that has a controller to provide

information relating to a user product order/delivery request in order to store and retrieve

information regarding the user purchase order in a timely and efficient manner.

As per claim **40**, Rosenberg discloses the invention substantially as claims discussed above:

However, Rosenberg does not explicitly disclose:

- wherein the assigned data delivery contents include the merchandise data contents and

  requester-specific data contents.

Spiegel discloses a system and method for exposing popular nodes within a browse tree

comprising:

- wherein the assigned data delivery contents include the merchandise data contents and

  requester-specific data contents (col. 9, lines 64-67 and col. 10, lines 1-16); and

Given the teaching of Spiegel, it would have been obvious to one of ordinary skill in the art

to modify Rosenberg to include a server (first computer) that has a controller to provide

information relating to a user product order/delivery request in order to store and retrieve

information regarding the user purchase order in a timely and efficient manner.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

       U.S. Pat. No. 6,317,722 to Jacobi et al

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

       A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
May 12, 2005

SALEH NAJJAR
PRIMARY EXAMINER